

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	2:17-cr-00015-RFB
)	
Plaintiff,)	
)	
v.)	Preliminary Order of Forfeiture
)	
DUSTIN W. HOLDEN,)	
)	
Defendant.)	

This Court finds that defendant Dustin W. Holden pled guilty to Count One of a One-Count Criminal Information charging him in Count One with Accessing Protected Computer to Defraud and Obtain Something of Value in violation of Title 18, United States Code, Section 1030(a)(4). Criminal Information, ECF No. 5; Change of Plea, ECF No. 11; Plea Agreement, ECF No. 7.

This Court finds defendant Dustin W. Holden agreed to the forfeiture of the property and the imposition of the in personam criminal forfeiture money judgment set forth in the Plea Agreement and the Forfeiture Allegations of the Criminal Information. Criminal Information, ECF No. 5; Change of Plea, ECF No. 11; Plea Agreement, ECF No. 7.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegations of the Criminal Information and the offense to which defendant Dustin W. Holden pled guilty.

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1 The following money judgment and assets are (1) any personal property that was used or
 2 intended to be used to commit or to facilitate the commission of a violation of Title 18, United
 3 States Code, Section 1030(a)(4), or a conspiracy to violate such offense; (2) any property, real or
 4 personal, which constitutes or is derived from proceeds traceable to a violation of Title 18,
 5 United States Code, Section 1030(a)(4), or a conspiracy to commit such offense; (3) any property
 6 constituting, or derived from, proceeds obtained directly or indirectly, as the result of a violation
 7 of Title 18, United States Code, Section 1030(a)(4), or a conspiracy to violate such offense; and
 8 (4) any property, real or personal, constituting or derived from, any proceeds obtained, directly
 9 or indirectly, as a result of a violation of Title 18, United States Code, Section 1030(a)(4), or a
 10 conspiracy to violate such offense, and are subject to forfeiture pursuant to Title 18, United
 11 States Code, Section 1030(i)(1)(A); Title 18, United States Code, Section 981(a)(1)(C) with Title
 12 28, United States Code, Section 2461(c); Title 18, United States Code, Section 982(a)(2)(B);
 13 Title 18, United States Code, Section 1030(i)(1)(B); and Title 21, United States Code, Section
 14 853(p):

- 15 1. eServer brand computer with 80 GB HDD, serial number 001CA2B;
- 16 2. Network-Attached Storage (NAS) Device containing eight 4 TB HDDs;
- 17 3. SanDisk brand model SDCZ33 16 GB Thumbdrive, serial number
- 18 BL131224569D; and
- 19 4. any and all funds contained in the Bitcoin and Dogecoin wallets or
- 20 accounts, which are proceeds of the criminal activity described above
- 21 (all of which constitutes property)

22 and an in personam criminal forfeiture money judgment of \$181,000, and that the
 23 property will be applied toward the payment of the money judgment.

24 This Court finds the United States of America is now entitled to, and should, reduce the
 25 aforementioned property to the possession of the United States of America.

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1 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
2 the United States of America should seize the aforementioned property.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United States
4 recover from Dustin W. Holden an in personam criminal forfeiture money judgment of
5 \$181,000.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest
7 of Dustin W. Holden in the aforementioned property is forfeited and is vested in the United
8 States of America and shall be safely held by the United States of America until further order of
9 the Court.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of
11 America shall publish for at least thirty (30) consecutive days on the official internet government
12 forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited
13 property, state the time under the applicable statute when a petition contesting the forfeiture must
14 be filed, and state the name and contact information for the government attorney to be served
15 with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code,
16 Section 853(n)(2).

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or
18 entity who claims an interest in the aforementioned property must file a petition for a hearing to
19 adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be
20 signed by the petitioner under penalty of perjury pursuant to Title 21, United States Code,
21 Section 853(n)(3) and Title 28, United States Code, Section 1746, and shall set forth the nature
22 and extent of the petitioner's right, title, or interest in the forfeited property and any additional
23 facts supporting the petitioner's petition and the relief sought.

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be
25 filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no
26 later than thirty (30) days after the notice is sent or, if direct notice was not sent, no later than

1 sixty (60) days after the first day of the publication on the official internet government forfeiture
2 site, www.forfeiture.gov.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if
4 any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at
5 the following address at the time of filing:

6 Michael A. Humphreys
7 Assistant United States Attorney
8 Daniel D. Hollingsworth
9 Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described
11 herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate
12 agency following publication of notice of seizure and intent to administratively forfeit the above-
13 described property.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies
15 of this Order to all counsel of record and three certified copies to the United States Attorney's
16 Office, Attention Asset Forfeiture Unit.

17 DATED this 23rd day of March, 2017.

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RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE